

From: Lloyd Smiley
To: Microsoft ATR
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Subject: Settlement Now with Microsoft

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Very Much Needed Resolution with Microsoft

The Federal Appeals Court decided against the breakup of Microsoft Corporation into two companies. A breakup would have destroyed the vital and highly valuable synergistic and innovative abilities of Microsoft. I firmly believe that prosecution of Microsoft by the U.S. Department of Justice has caused tremendous damage to our economy and may be ascribed in large measure to our current financial struggle, started in March 2000.

As an independent consultant my work has been involved in computers from the punch card era in the 1950's until now; have been involved with Microsoft software from 1982. My experience with computers includes writing and many presentations, order processing, optimization in logistical systems and operation of distribution centers and levels of employment in manufacturing, rail car and OTR truck fleet management, investments with screens and transactions, operations and financial analyses and controls, engineering, budgets. IBM, Intel and Microsoft have been the most important developers of useful hardware and software in the accelerated progress experienced in this country over the past 20 years.

Antitrust Prosecutor Joel Klein, Attorney David Boies, U.S. Attorney General Janet Reno, Attorney Generals from 18 states and executives from competing firms of Sun, IBM, AOL/Netscape, Apple and Oracle have through their use of biased Judge Penfield Jackson significantly caused the slowdown of this country's economy, started in March 2000. We trust the Department of Justice Assistant Attorney General Charles James and new judge will continue to use good judgment and common sense in the final phase in fairly and promptly resolving the antitrust problems related to Microsoft.

Microsoft's practices in the market have been aggressive but cannot to my knowledge be described as unfair to customers in developing the Windows operating system and in combination with the Internet Explorer. The development of the software was done in the open in competition with Lotus, Netscape, IBM, AT&T Unix, Sun, Apple and Oracle. These alternative software operating systems and applications have been run by me in parallel on the same computers and have through critical comparisons decided in favor of Microsoft (Unix v. DOS/Windows, Lotus Office Suite v. MS Office, Netscape/Communicator v. Internet Explorer). Price was not an important factor. Obviously, Microsoft has temporarily won the competition in Windows operating systems but has lost the browser competition to the 33 million AOL/Netscape subscribers. Linux and Unix have made recent strides forward with IBM and Sun in competing with Microsoft in operating systems. The latest IBM servers are now delivered with the Linus Operating System and not Microsoft NT or Windows Professional. Why should the Department of Justice and District Court aid and abet Microsoft competitors that do not need help?

I encourage that Microsoft be allowed to continue to compete and innovate, to keep our economy moving forward without oppressive state and federal restrictions and regulations, without further excessive fines and harassment from the attorneys general and eager attorneys looking for ways to perpetuate this litigation. I favor an early settlement to allow Microsoft and this economy to move forward. The settlement with the federal government needs to include a finality and closure with states attorney generals and all attorneys related to this litigation. This avoidable costly matter should be settled at the earliest possible date.

Sincerely,

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